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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 7—L.A. 1-51-1, dated Bangalore, 3rd April 1951.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 5 of the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951 (Mysore Act II of 1951), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

1. (1) These Rules may be called the Mysore Legislative Assembly (Members' Salaries and Allowances) Rules, 1951.

(2) They shall be deemed to have come into force on the 1st day of March 1951.

2. In these rules, unless there is anything repugnant in the subject or context,—

(1) "Assembly" means the Mysore Legislative Assembly;

(2) "Committee" means a Select Committee of the Assembly or any Committee constituted under the Assembly Rules or any Standing Committee or other Committee constituted under any order of the State Government or a Committee appointed by the Speaker or the State Government and includes the Statutory Boards and the Boards appointed by the State Government;

(3) "day" means a calendar day, beginning and ending at mid-night;

(4) "House" means the building in which the meeting is held;

(5) "meeting" means a meeting of the Assembly or a meeting of a Committee;

(6) "Member" means a Member of the Assembly and includes the Deputy Speaker;

(7) "mofussil member" means a member whose ordinary place of residence is outside a radius of five miles from the House;

(8) "ordinary place of residence" means the place where a member ordinarily resides for at least six months in the year;

(9) "Session" means the whole period elapsing between and including the day for which the Assembly is summoned to meet and the day on which it is prorogued or adjourned *sine die*.

3. Subject to the provisions of the succeeding rules, the salary of a member for any month shall become due on the first day of the succeeding month and may be drawn on that day or on any day thereafter, provided that in the case of a member whose seat becomes vacant, his salary becomes due on the day following that on which his seat shall become vacant and may be drawn on any day thereafter and a copy of the notification declaring the seat vacant shall be attached to the last salary bill.

4. (1) Salary bills shall be paid only upon the claim of the member.

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(2) The salary bill of a member shall be prepared by the Office of the Mysore Legislature in accordance with these rules and shall be countersigned by the Secretary to the Assembly.

(3) The salary and allowances due to a deceased member may be paid to the claimant of the estate of the deceased member without the production of the usual legal authority,—

(*a*) where the sum claimed is less than Rs. 500, if the Deputy Commissioner of the District in which the member has his ordinary place of residence, after such enquiry as he deems sufficient into the claimant's right and title, certifies the claimant to be the proper person to receive such payment, and

(*b*) where the claim is in excess of Rs. 500 under the orders of the State Government on the execution of an indemnity bond with such sureties as they may require.

5. Subject to the provisions of the succeeding rules a member may draw daily allowance for any day on which he attends a meeting.

6. No mofussil member may draw daily allowance in addition to travelling allowance for the day of journey unless he attends a meeting.

7. No member whose ordinary place of residence is within a radius of five miles from the House may draw travelling allowance for attending the meeting.

8. A member shall be entitled to travelling allowance to and from his ordinary place of residence for attending any meeting.

9. If a mofussil member attends the first meeting of the Assembly and stays throughout the session, he may draw daily allowance for the whole session :

Provided that he has attended all meetings of the Assembly during the session or, in the case of absence from any meeting, has explained such absence to the satisfaction of the Speaker :

Provided further that where daily allowance is drawn under the authorisation of the Speaker, for days of absence,

the allowance shall be drawn at the following rates :—

(*a*) for the first six days of absence in a session, at full rates;

(*b*) for a further twelve days of absence in a session, at half rates;

(*c*) for days of absence in excess of eighteen days in a session, no allowance.

10. A mofussil member who is prevented from attending any meeting of the Assembly or of Committee may draw daily allowance for the day or days of his absence, if :—

(*a*) he stayed at the place of the meeting on each day of such absence and

(*b*) he has explained such absence to the Speaker or the Chairman of the Committee, as the case may be :

Provided that when daily allowance is drawn under this rule, the allowance shall be drawn at the rates specified in clauses (*a*), (*b*) and (*c*) of the second proviso to rule 9.

11. (1) In the case of adjournments or intervals or holidays between meetings of seven days or less, a mofussil member who stays at the place of meeting for the intervening period may draw daily allowance for that period. A mofussil member who returns to his ordinary place of residence may draw travelling allowance but the amount drawn shall in no case exceed the amount which would have been admissible if he had elected to stay at the meeting place, and drawn daily allowance.

(2) In the case of adjournments or intervals between meetings of more than seven days a mofussil member may return to his ordinary place of residence in the intervening period and may draw travelling allowance. If he stays at the place of meeting he may draw daily allowance but the amount drawn shall not exceed the amount which he would have drawn as travelling allowance had he returned to his ordinary place of residence.

Explanation.—For the purposes of this rule the expression "intervals between meetings" include any interval between

(i) a meeting of the Assembly and of a Committee; or

(ii) a meeting of a Committee and of the same or another Committee or of the Assembly.

12. When a meeting lasts over the week-end, travelling allowance is not admissible to a mofussil member who leaves the place of meeting during the week-end, but he may draw daily allowance for the week-end provided he is present at the opening meeting after the week-end ; otherwise he may draw daily allowance only for the days on which he actually attended the meetings.

13. When a continuous series of meetings exceeds a period of twenty-one days and a mofussil member has attended the meetings held on fifteen consecutive days, he may return to his ordinary place of residence once and may draw travelling allowance for the purpose of journeying from the place of meeting and from his ordinary place of residence provided the said journeys are actually performed and he attends a meeting of the same series.

14. (1) For the purpose of calculating travelling allowance, a journey between two places shall be held to be performed by the shortest of two or more practicable routes, or by the cheapest of such routes as may be equally short.

(2) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In cases of doubt, the State Government will declare which shall be regarded as the shortest of two or more routes between any two places.

(3) If a member travels by a route which is not the shortest, but is cheaper than the shortest, his travelling allowance should be calculated by the route by which the journey is actually made.

15. In calculating travelling allowance for journeys by road, fractions of a mile, shall be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

16. The procedure in force on the date of commencement of these rules for disbursing in cash, travelling and daily allowance to members at the close of each session shall continue.

17. (1) In respect of meetings of committees, a certificate of attendance shall be issued to every member

by the Secretary of the Committee in the following form :—

"Certified that Sri/Srimathi / Janab/Janaba .....

.....

attended the sittings of the.....

.....on.....

as a member thereof.

Secretary.

(2) In respect of travelling allowance and daily allowance for attending the meetings of committees only one bill for a month shall be preferred at the close of the month in which all the journeys performed and halts made in respect of the meetings attended by him shall be noted.

(3) The bill preferred under sub-rule (2) shall also include the journeys and halts, if any, the claims in respect of which has been dealt with under rule 16, but deduction shall be made of the amount drawn or preferred as travelling allowance and daily allowance in respect of them and the net amount only shall be claimed in the Bill.

(4) The travelling allowance bill with the certificate issued under sub-rule (1) may be forwarded direct to the Accountant-General and no countersignature of such bill by any officer of Government is necessary.

18. (1) A member shall record in his travelling allowance bill, a certificate of having travelled in the class for which the railway fare is claimed by him. Otherwise the member shall be paid only railway fare based on the fare of the class in which he actually travelled.

(2) A member shall also certify that he has actually performed the journeys for which travelling allowance is claimed and that he has not in any other capacity drawn travelling allowance for the same journey or daily allowance for the same day.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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